

UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

| 1. Notice of References Cited by Examiner, PTO-892. 2. Notice of Information and Patent Application, PTO-1449. 3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of Information and Patent Application, PTO-152. Part II SUMMARY OF ACTION Claims 1-24 are pending in the application. Of the above, claims are withdrawn from consideration. Claims | SERIAL NUMBER | FILING DATE | FIRST NAMED INVEN | TOR | ATTORNEY DOCKET NO. |
|--|--------------------------------------|---------------------------------------|--|--|---|
| ART UNIT PAPER NUMBER SS SHUMAN BOULEVARD SUITE SOO NAPERVILLE IL. 60553-3487 DATE MAILED: 09/05/95 This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined Responsive to communication filled on 7/5/94 | 08/238,080 | 05/03/94 | COLLINS | tt | 2583511 |
| AMCCO CORPORATION SS SHUMAN BOULEVARD SUITE 600 NAPERVILLE IL 60563-8487 1807 DATE MAILED: 09/05/95 1807 DATE MAILED: 09/05/95 This application has been examined Responsive to communication filled on 7/5/94 This action is made fine 7/85/87 (cf. non.ch.) This application has been examined Responsive to communication filled on 7/5/94 This action is made fine 7/85/87 (cf. non.ch.) Abortamed ristaturory partical for response to this action is aset to expire month(b) | | | | F12, 500 100 100 100 100 | EXAMINER |
| DATE MAILED: 09/05/95 This is a communication from the exeminer in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined | Probations are an are as an area | | 18N1/0905 | | |
| DATE MAILED: OP / 85 / 95 This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined Responsive to communication filed on 7/5/94 This action is made fine 865 Responsive to communication filed on 7/5/94 This action is made fine 865 Responsive to communication filed on 7/5/94 This action is made fine 965 Responsive to month(s). The days from the date of this letter. Failure to response will cause the application to become abandoned. 35 U.S.C. 13 Sec. 13 U.S.C. 13 Notice of Paterenees Cited by Examiner, PTO-982. 3. Notice of An Cited by Applicant, PTO-1449. 4. Notice of Information on How to Effect Drawing Changes, PTO-1474. 6. Notice of Information on How to Effect Drawing Changes, PTO-1474. 6. Notice of Information on How to Effect Drawing Changes, PTO-1474. 7. Of the above, claims are withdrawn from consideration. 8. Claims are allowed. 4. Claims are allowed. 4. Claims are application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination proposes. 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on approved by the examiner; Diagnation appears to be in condition for allowance except for formal matters, prospection as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | | | ITTE ann | ART UNIT | PAPER NUMBER |
| DATE MAILED: 09/05/95 This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This is a communication from the examiner in charge of your application. This application has been examined Pesponsive to communication filled on 7/5/74 | | | | | 6 |
| This is a communication from the examiner in charge of your application. This application has been examined Responsive to communication filed on 7/5/9.4 This action is made fine Septiment of the period for response to this action is set to expire month(s) Adays from the date of this letter. Tribination of the period for response will cause the application to become abandoned. 35 U.S.C. 133 Part I The FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION: I | | | | 1807 | ,— |
| This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined | | | | DATE MAILED: | 09/05/95 |
| A shortened statutory period for response to this action is set to expire | | | - | | THE ME TO THE THEFT OF THE TOWN |
| A shortened statutory period for response to this action is set to expire | | _ | | | |
| A shortened statutory period for response to this action is set to expire | | | Responsive to communication file | ed on 7/5/94 | This action is made fina |
| THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION: 1. Notice of References Cited by Examiner, PTO-892. 2. Notice of Draftsman's Patent Drawing Review, PTO-948 3. Notice of An Cited by Applicant, PTO-1449. 4. Notice of Informal Patent Application, PTO-152. 5. Information on How to Effect Drawing Changes, PTO-1474. 6. Notice of Informal Patent Application, PTO-152. Part II SUMMARY OF ACTION Claims 1-24 are pending in the application Of the above, claims are withdrawn from consideration. 2. Claims have been cancelled. 3. Claims are allowed. 4. Claims are allowed. 5. Claims are objected to. 6. Claims 1-24 are objected to. 6. Claims 1-24 are objected to. 7. This application has been filled with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable; I not acceptable (see explanation) notice of Draftsman's Patent Drawing Review, PTO-948). 10. The proposed additional or substitute sheet(s) of drawings, filed on has been approved by the examiner; I disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed parent application, serial no. Infled on learn scordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | A shortened statutory pe | rlod for response to thi | s action is set to explre | month(s), days f | rom the date of this letter. |
| 1. Notice of References Cited by Examiner, PTO-892. 2. Notice of Art Cited by Applicant, PTO-1449. 3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of Information and Patent Application, PTO-152. 5. Information on How to Effect Drawing Changes, PTO-1474. 6. Notice of Information and Patent Application, PTO-152. Part II SUMMARY OF ACTION Claims | Failure to respond within | the period for respons | e will cause the application to becom | ne abandoned. 35 U.S.C. 133 | |
| are pending in the application Of the above, claims | | NG ATTACHMENT(S) | ARE PART OF THIS ACTION: | | |
| are pending in the application. Claims } - 34 | 1. Notice of Ref | erences Cited by Exam | niner. PTO-892. 2. | Notice of Draftsman's P | atent Drawing Review, PTO-948 |
| are pending in the application. Claims - 34 | 3. Notice of Art | - | | | |
| are pending in the application. Claims -34 are withdrawn from consideration. Claims -34 are withdrawn from consideration. Claims have been cancelled. Claims have been cancelled. Claims are allowed. Claims are objected to. Claims are objected to. Claims -34 are subject to restriction or election requirement. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. Formal drawings are required in response to this Office action. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948). The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner; disapproved by the examiner (see explanation). Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. iffled on iffle | 5. Information of | n How to Effect Drawin | g Changes, PTO-1474. 6. | | |
| Of the above, claims | Part II SUMMARY OF | ACTION | ~ . | | |
| Of the above, claims | Claims)-9 | \4 | | | are pending in the application |
| are allowed. 4. □ Claims | Of the abo | | • | ar | |
| are allowed. 4. □ Claims | | · | *, | a | e williamii ilom consideration. |
| are allowed. 4. □ Claims | 2. Claims | - | | · · · · · · · · · · · · · · · · · · · | have been cancelled. |
| are objected to. 6. | 3. | | <u>. </u> | | are allowed. |
| are subject to restriction or election requirement. 7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948). 10. The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner; disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed, has been approved; disapproved (see explanation). 12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no; filed on | 4. Claims | · · · · · · · · · · · · · · · · · · · | · · · · · · · · · · · · · · · · · · · | | are rejected. |
| 7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on | 5. Claims | | , , , , , , , , , , , , , , , , , , , | 5 | are objected to. |
| 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on | 6. Claims 1-6 | ۲4 | | are subject to restrict | ion or election requirement. |
| 9. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948). 10. The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner; disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed, has been approved; disapproved (see explanation). 12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received not been received not been received seen filed in parent application, serial no; filed on 13. Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | 7. This application | has been filed with info | rmal drawings under 37 C.F.R. 1.85 | which are acceptable for exar | nination purposes. |
| are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948). 10. The proposed additional or substitute sheet(s) of drawings, filed on has (have) been approved by the examiner; disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed, has been approved; disapproved (see explanation). 12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no; filed on 13. Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | 8. Formal drawings | are required in respor | se to this Office action. | | |
| examiner; disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed, has been disapproved; disapproved (see explanation). 12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has disapproved disapproved disapproved (see explanation). 13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | 9. ☐ The corrected or are ☐ acceptab | substitute drawings ha | ave been received onsee explanation or Notice of Draftsm | Under 37 an's Patent Drawing Review, í | C.F.R. 1.84 these drawings PTO-948). |
| 12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed In parent application, serial no; filed on 13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | | | | has (have) been | approved by the |
| been filed In parent application, serial no; filed on 13. Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | 11. The proposed dra | awing correction, filed | , has been | ☐ approved; ☐ disapproved | d (see explanation). |
| accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. | _ | | The state of the s | | received not been received |
| 14. Other | | * * * | • | • | o the merits is closed in |
| | 14. Other | | | | |

Serial Number: 08238080

Art Unit: 1807

Part III DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-23, drawn to a method of amplification of a target polynucleotide molecule, classified in Class 435 , subclass 91.2.

Group II. Claim 24, drawn to an instrument for performing assays for target polynucleotides, classified in Class 435, subclass 288.

2. The inventions are distinct, each from the other because the following reasons:

Inventions I and II are related as process and apparations practice. The inventions are distinct if it can be obey

The inventions are distinct, each from the other because of

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case, the method of invention I does not require the apparatus to be performed and said method may be performed manually in combination with standard laboratory apparati such as centrifuges and thermocyclers.

- Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- A telephone call was made to Norval Galloway on August 18, 1995 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.



Serial Number: 08238080

Art Unit: 1807

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Papers related to this application may be submitted to Group 1800 by facsimile transmission via the P.T.O. Fax Center located in Crystal Mall 1. The CM1 Fax Center number is (703) 308-7939. Please note that the faxing of such papers must conform with the notice to Comply published in the Official Gazette, 1096 OG 30 (Nov 15, 1989).

An inquiry regarding this communication should be directed to examiner Dianne Rees, Ph.D., whose telephone number is (703) 308-6565. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1156.

Calls of a general nature may be directed to the Group

receptionist who may be reached at (703) 308-0196.

Danne Kees Dianne Rees

7.

August 29, 1995

W. GARY JONES SUPERVISORY PATENT EXAMINER

GROUP 1800